

**REMARKS**

The present application includes claims 1-32, 34-106, 110-112, 116-124, 148, 209, 211, 212, 214-218, 220-221 and 224-231 are pending. Claims 1, 75 and 98-102 were amended. Claims 230-231 are new. Claims 219 and 222-223 were cancelled as they were only added since the Examiner had previously indicated that they are allowable. Claims 214-218, 220, 221 and 224-229 were allowed.

Claim 75 was corrected according to the Examiner's suggestion.

Claims 98-102 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite, since Kg is a measure of mass and not pressure. Applicant amended the claims to use the term force instead of pressure and clarify that the Kgs are Kgs force. It is clear from the description, and in fact it was intrinsic in the original claims, that the term pressure was meant to refer to force applied to the cross section of the spacer.

Applicants further note that the terms force and pressure, although different in accurate scientific definitions, are often used interchangeably. For example, in the thesaurus of Word, the term pressure refers to force. Similarly, Kg is often used as a unit of force of 1 Kg mass at standard gravity. Therefore, applicants submit that even without amendment the claims were not indefinite. The amendment was made in order to use more scientific language and in order to forward the application towards allowance.

Claims 1-4, 6-16, 19-24, 27, 28, 30, 31, 34-44, 46, 48, 51-64, 66, 68, 70, 78, 80, 81, 84-86, 89-95, 98-106, 110-112, 121-124, 148, 209 and 211-212 stand rejected under 35 U.S.C. 102(b) as being anticipated by, or unpatentable over, Pisharodi (US 5,693,100).

Claims 1, 69-71, 75-78, 80, 87, 88 and 98-106 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kuslich (US 5,059,193).

Claims 17, 18 and 119 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pisharodi (US 5,693,100) in view of Pisharodi (US 5,123,926).

Claims 116-118 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pisharodi (US 5,693,100) in view of Stubstad (US 3,867,728).

Claims 5, 25, 26, 29, 32, 45, 47, 49, 50, 65, 67, 72-74, 79, 82, 83, 96, 97 and 120 were indicated as being allowable if rewritten in independent form.

Claim 1 was amended to remove the previous amendments directed at overcoming Pisharodi and instead add the limitation that at least one of the at least two extensions is connected

at two opposite ends to substantially unexpanded portions of the tube. This is not taught or suggested by Pisharodi or Kuslich.

The limitations removed from claim 1 were added in dependent claims 230 and 231.

The dependent claims are allowable at least by virtue of their parent claims and for brevity are not being argued.

Regarding claims 98-102 applicant did not understand the Examiner's rejection. In an attempt to overcome the rejection, the claims were amended to state to "axially deform" instead of "be axially deformed". If this is not sufficient, applicants respectfully request that the Examiner suggest (possibly in a phone call using the number below) a language that will confer deforming only under a force above a value.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington. Our normal work week is Sunday through Thursday.

Respectfully submitted,  
Oren GLOBERMAN et al.



Paul Fenster  
Reg. No. 33,877

December 22, 2005

William H. Dippert, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue  
New York, NY 10177